

Application No. 10/625,250
Amdt. dated June 23, 2005
Reply to Office Action dated September 22, 2005

REMARKS

Claims 16, 17, 19, 23, 32, and 49-59 remain pending and are now presented for examination. Claims 16, 19, 23, 32, 49, and 50 are independent. Claims 16, 19, 23, 32, 49, and 50 have been amended to define more clearly what Applicant regards as his invention. Claims 1-15, 18, 20-22, 24-31, 33-48, and 60-61 have been cancelled without prejudice or disclaimer of subject matter.

In the Office Action, claims 1, 4-5, 10, 16-17, 23, 32, 34-38, 50-53, and 57 were rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent No. 5,825,672 (Brudnoy) and Claims 1, 3-7, 10-12, 16-17, 23, 25, 32, 34-42, and 50-59 were rejected under 35 U.S.C. 102 as anticipated by U.S. Patent 5,216,598 (Branstetter). Claims 13, 19, 28, and 49 were rejected under 35 U.S.C. § 103 as obvious from Bristetter in view of U.S. Patent No. 5,797,840 (Akselrod). Claims 1, 3-7, 10-13, 19, 23, 25, 28, and 34-42 also received a nonstatutory double patenting rejection.

Cancellation of claims 1-15, 18, 20-22, 24-31, 33-48, and 60-61 renders the rejections of those claims moot. A terminal disclaimer is submitted herewith to overcome the double patenting rejection.

Claim 16 recites the step of analyzing the upper and lower envelope values to extract the signal component from the measured signal, and specifies that this analyzing step "includes the step of determining a median of the difference between the upper and lower envelope values as an AC component."

Applicant has found no teaching or suggestion of the underlined limitation in the cited art, and Claim 16 is therefore believed patentable over the cited art. Applicant further notes that

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adding a similar limitation provided patentability to claim 1 in the parent of this application, which was handed by the same Primary Examiner (Eric Winakur) as this application. The parent application issued as Patent No. 6,658,277 on Dec. 2, 2003.

The remaining independent claims of this application (16, 19, 23, 32, 49, and 50) each include a similar limitation, and are therefore believed patentable for the same reasons as claim 16.

The other claims in this application each depend on one of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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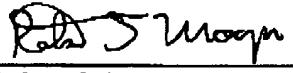
address provided below.

Respectfully submitted,

PROSKAUER ROSE LLP

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